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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Patent Office Board of Appeals

APPLICANT: K.Dumstorff, et al	GAU: 1722
SERIAL NO: 09/935,983	EXAMINER: E.S. Luk
FILED: Aug. 23, 2001	St. Louis, Missouri
FOR: Integral Key Fob	Date: June 4, 2004
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BRIEF FOR APPLICANT

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Citation of Cases and Statutes

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Cases:

In re Geiger, 815 fed. 2nd 686 (Fed Cert. 1987) 8

Statutes:

35 U.S.C. §103(a)6, 8



I. Real Parties in Interest

The parties and interest in this particular application include the inventors, Kevin Dumstorff and John Simpson, in addition to the Company to which they have assigned the invention, Mocap Incorporated, a Missouri corporation.

II. Related Appeals and Interferences

There are no related appeals, or interference proceedings, pertaining to the subject matter of this patent application.

III. Status of Claims

The examiner issued a final rejection to this application on January 1, 2004. At the time, only a claim 5 was pending in the application.

It is from this final rejection that this appeal has been filed.

IV. Status of Amendments

There are no further amendments that have been filed since the final rejection, therefore, only that claim 5, as set forth in the Amendment A, is the only claim upon appeal.

V. Summary of the Invention

This invention relates to an integral key fob. The key fob is shown at 1, incorporates a base portion which is generally of an oval shape, and of the type upon which indicia may be imprinted. The fob is generally molded from a polymer. This fob is of a fully integrated type, and incorporates integrally, and extending tab 2, which is molded directly to its base portion 1. The front end of the fob is curled, as at 3, and is molded having an integral aperture provided therethrough, as at 4. It is to, or within this aperture that a key ring may locate, such as identified at 4, in phantom line. Essentially, the essence of this invention is the integration of the tab 2, having its key holding ring portion 3, molded directly and integrally to the base portion 1, in a one step molding operation.

As can be noted in FIG. 6, a key fob, according to the present invention, may be molded by an injection mold 8, having a mold portion 10, defining a mold blank recessed 12. The mold portion 10 also defines a mold portion cavity 14. Additionally, several mold blanks 16 are provided, as noted in FIG. 7, and which defines the mold cavities 18. The mold blank cavities 18 of each mold blank 16 are shaped differently to provide base portions of differing sizes and shapes. The mold blank 16 provides the desired base portion 1, and is selected and inserted into the mold blank recess 12. The mold blank recess 12, and the mold portion cavity 14, together forms a unified molding cavity for molding the key fob. Next, the molding cavity cover 20 is lowered, and a melted polymer is injected into the unified molding cavity to form a one-piece key fob. Finally, the molding cavity cover 20 is raised, and the molded key fob is ejected, for further treatment and eventual usage.

VI. Issues

The examiner has rejected claim 5 of this application under 35 U.S.C. §103(a), as being unpatentable over the Hendrickson, et al disclosure. Applicants' question the obviousness of the subject matter of this claimed invention over this singular prior art patent reference.

VII. Grouping of Claims

There is only a singular group of claims contained in this application, and that is the individual claim 5.

VIII. Argument

The examiner has basically rejected the singular claim of this application over the prior art patent to Hendrickson, et al, under 35 U.S.C. §103(a), on the grounds that Hendrickson teaches a mold base for accommodating differing mold inserts, that would have different cavity features. The examiner states that Hendrickson fails to teach specifically that mold blanks and cavities can be adapted to form an extending tab and base portion of the key fob, and cavities of different sizes and shapes.

The integration of the molding of an entire fob incorporating a base portion, extending tab, curled portion integrally of the extending tab, having an aperture therein, is the subject matter of this current invention. Hence, the examiner recognizes that Hendrickson fails to teach such. In view of this, it is questions how Hendrickson, et al, can render the claimed subject matter so obvious, in view of his lack of teaching, or suggestion thereof.

As the Board knows, obviousness cannot be established by combining teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, of incentive supporting that combination. See the case of *In re Geiger*, 815 Fed. 2nd 686 (Fed. Cert. 1987). Hendrickson, by the examiners own admission, not only does not suggest, but does not teach, the subject matter of Applicants' current invention.

Hendrickson only discloses a generic mold base, into which other mold inserts may be located, in order to vary the production of a sized part from the same mold base. Applicants' invention goes one step further. Applicants' invention provides a dual cavity injection molding device, wherein one cavity is provided for forming one segment of a key fob, that comprises the extending tab, while the other mold portion is designed for receiving a selected mold blank, from a variety of such blanks, in order to vary the size and shape of the base portion of the same key fob, being formed, and yet integrally has a tab as it is formed within the mold blank recess. Thus, it is submitted that Applicants' invention goes

one step further than what is defined in Hendrickson, by the type of injection molding machine that functions in the manner as described in this claim, of the application. Nor does Hendrickson, et al, suggest the use of their injection molding machine in the manner as Applicants' do, with their device.

In view of the foregoing, it is submitted with the lack of answering structure to be found in Hendrickson, et al, in the first instance, by what it fails to teach, does not support the basis for rejection upon the grounds of obviousness.

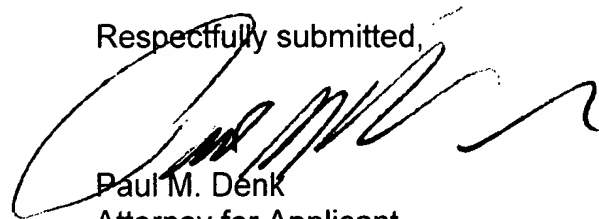
IX. Conclusion

It is submitted that patentable subject matter is set forth in the subject matter of this application, in claim 5, for defining an injection molding machine that can fabricate an integral one-piece fob that incorporates a base portion, its extending tab, all for use for holding a key ring in place, during usage. It is not believed that the prior art renders the method of manufacturing such a key fob so obvious to one of ordinary skill in the art.

The Boards review of this matter would be appreciated.

If any additional charges are due, please debit our deposit account No. 040731.

Respectfully submitted,



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APPENDIX

Claim 5. An injection molding machine comprising:

- an injection mold having a mold portion defining a mold blank recess and a mold portion cavity, the mold portion cavity being adapted to mold an extending tab of a key fob and the mold blank cavity being adapted to accept a mold blank, to mold a base portion integrally of the key fob;
- a plurality of mold blanks, each defining a mold blank cavity of varying size and shape, and provided for selective molding of a base portion of the key fob integrally with its extending tab of the size and shape from the selected mold blank cavity;
- wherein the mold blank recess is adapted to accept one of a plurality of said mold blanks, the mold blank cavity and the mold portion cavity together forming a unified molding cavity for molding the integral key fob; and
- wherein the unified molding cavity is adapted to receive a melted polymer to form the one-piece integral key fob.